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UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Josephine Amatucci

v.

Charles Greenhalghn , INDIVIDUALLY

JURY TRIAL DEMANDED

~~Attached - Without Prepayment
Fees Form~~ *

JURISDICTION

1. This action is brought pursuant to 42 U.S.C. 1983. Jurisdiction is founded upon 28 U.S.C. 1331(11x3x4) and aforementioned statutory provision. Plaintiff further invokes the supplemental jurisdiction of the court under 28 USC to hear and adjudicate state law claims.

PARTIES

2. Plaintiff Josephine Amatucci is a citizen of the United States and a resident of Wolfeboro, New Hampshire;

3. Charles Greenhalghn, 3rd Circuit Court, Ossipee New Hampshire

COMPLAINT INTRODUCTION

4. An ILLEGAL ORDER IS FOREVER..... VOID JUDGMENTS ARE NEVER FINAL

A VIOLATION OF DUE PROCESS WHEN

REFUSED A HEARING BY Greenhalghn ON HER MOTION TO DISMISS

A 5TH AND 14TH AMENDMENT VIOLATION

THIS CASE IS ENTIRELY UNDER A VIOLATION OF THE FEDERAL CONSTITUTION

UNDER 1983

5. This is a lawsuit where defendant Greenhalghn was acting as an individual and NOT AS A JUDGE, not as an OFFICIAL at a trial held November 21, 2019 . Therefore as an INDIVIDUAL, as Greenhalghn lost all jurisdiction when he did not dismiss the case that was based on FRAUD, he was not acting in his official position as a judge, therefore, Greenhalghn had..... NO IMMUNTY.....as an individual when he violated the Plaintiff's Due Process rights by refusing to allow her a hearing for her Motion to Dismiss which was filed with the Court immediately after the defendants, Champaign, Rondeau, Wright, et al filed a Complaint in the court, in a malicious prosecution accusing the Plaintiff of an Assault with Bodily Injury when the evidence in the Plaintiff's Motion to Dismiss would find that the prosecution by the defendants was without merit, as the Plaintiff's evidence showed that the alleged victim Robert Maloney, stated that there was NO INJURY, therefore Greenhalghn had the duty to dismiss the Complaint, under the law, underDUE PROCESSof the law, Greenhalghn, the acting judge was obligated under DUE PROCESS to dismiss the Complaint. The Plaintiff was NEVER ARRESTED, therefore this case cannot be based on an unlawful arrest, as determined in the past by the Court. This case is NOT UNDER RULE 60, as there is FRAUD in this case.

6. By not dismissing the Complaint Greenhalghn lost all jurisdiction in the case, and he was acting as an individual, he was In violation of the 5th and 14th Federal Constitution, where there is NO IMMUNITY , when the Federal Constitutional rights, the LAW OF THE LAND, have been violated. See the case of John Goodman v State of Florida, No. 4D14-4479 heard July 26, 2017 by the District Court of Appeals of the State of Florida.

7. Under a violation of Due Process defendant Greenhalghn's judgments rendered in the case are VOID JUDGMENTS where there is no statute of limitations, as a

VOID JUDGMENT IS NEVER FINAL, when he acted in a manner inconsistent with Due Process under the Federal Constitution.

8. The Plaintiff states that the evidence in her Motion to Dismiss was significant to her defense. Evidence which possessed an exculpatory value, evidence that would find the malicious prosecution of the defendants to be without merit. And where Greenhalghn would be obligated under Due Process to dismiss the case against her accusing her of an Assault with Bodily Injury, where the Motion to Dismiss evidence proved that there was no bodily injury, he violated Due Process, especially where the Plaintiff was being accused of violating a Misdemeanor A, where there is jail time. Not allowing her to be heard is NOT A JUDICIAL DETERMINATION OF HER RIGHTS as allowed under the law. *Sabariego v. Maverick* 124 US 261, 31 L Ed 430, 8 S Ct 461.

NO OPPORTUNITY TO BE HEARD

9. A judgment of a court without hearing the party or giving him the opportunity to be heard is NOT NOT NOT A JUDICIAL DETERMINATION OF HER RIGHTS. *Sabariego v. Maverick*, 124 US 261, 31 L.Ed. 430, 8 S Ct 461.

10. Greenhalghn's judgments during the trial are VOID, as "if a court grants relief, which under the circumstances it hasn't any authority to grant its judgments is to that extent VOID." *Freeman on Judgments*, asAN ILLEGAL ORDER IS FOREVER VOID.

11. The requirements of Due Process and equal protection of the law extend to JUDICIAL as well as political branches of government, so thatA JUDGMENT MAY NOT BE RENDERED IN VIOLATION OF THOSE CONSTITUTIONAL LIMITATIONS AND GUARANTEES not even by a judge. *Hanson v. Denckla*, 357 US 235, 2 L Ed 2d 1283, 78 S Ct. 1228.

12. A VOID judgment has no legal or binding force for ANY PURPOSE or at any placeit is not entitled to enforcement. All proceedings founded on the void

judgment are themselves regarded asINVALID. 30A Am Jur Judgments 44, 45.

Kalb v. Feuersteing , Rose v. Hirsh, Pennoyer v. Neff, Thompsonv. Whitman, Windsor v. McVeigh, McDonald v. Mabee.

WHEREFORE: In Greenhalghn's violation of the 5th and 14th Amendment of Due Process and equal protection of the law, the Plaintiff was damaged, she lost her right to accuse the defendants of a violation of the Fourth Amendment of an unlawful seizure, unlawful detention while waiting for the case to be resolved, a violation of her liberty rights, violation of Due Process, et. and therefore she is asking the Court to allow her a jury trial of her peers for damages for this unlawful malicious prosecution WITHOUT PROBABLE CAUSE, A CLEARLY ESTABLISHED RIGHT under 1983 which allows for damages for the violation of your Constitutional rights. Damages for unlawfully and FRAUDULENTLY MISREPRESENTATION of the case BY GREENHALGHN, acting as an individual, under Greenhalghn's Void Judgments where Fraud isNEVER FINAL. Where the decisions of the Court do not override the LAW OF THE LAND when the Federal Constitution has been violated, in this unlawful seizure where the defendants had no probable cause to maliciously prosecute her for a crime they knew she never committed. As the alleged victim Robert Maloney stated very clearly "there was No injury, EVIDENCE that was in her Motion to Dismiss. And where Fraud and a violation of the Federal Civil Rights there is NO RES JUDICATA, NO STATUTE OF LIMITATIONS.

Respectfully,

Josephine Amatucci

August 19, 2022

